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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT YAKIMA**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

NO. 1:20-cv-03127-SAB

ORDER GRANTING
PLAINTIFF STATES' MOTION
FOR PRELIMINARY
INJUNCTION

[PROPOSED]

This matter came before the Court on the Plaintiff States' Motion for Preliminary Injunction. The Court has considered the Plaintiffs' Motion, Defendants' Opposition, Plaintiffs' Reply, the briefs of amici curiae, and the supporting declarations filed therewith, and is fully apprised of the matter.

The Court finds that Plaintiff States have established a likelihood of success on the merits of their claims that the United States Postal Service and the

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ATTORNEY GENERAL OF WASHINGTON
Complex Litigation Division
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1 Postmaster General (collectively, the USPS Defendants) violated 39 U.S.C.
2 § 3661(b) and infringed on the States' constitutional authority to regulate elections
3 and the people's right to vote, that Plaintiff States would suffer irreparable harm
4 absent preliminary injunctive relief, and that the balance of equities and the public
5 interest weigh in favor of a preliminary injunction.

6 The Court therefore ORDERS that Plaintiff States' Motion for Preliminary
7 Injunction is GRANTED.

8 The USPS Defendants, and all their respective officers, agents, servants,
9 employees and attorneys, and persons in active concert or participation with them
10 are hereby ENJOINED from the following until the Court resolves the merits of
11 this case:

12 a. continued implementation or enforcement of policy changes
13 announced in July 2020 that have slowed mail delivery, including:

14 i. instructing mail carriers to leave mail behind for processing or
15 delivery at a later date;

16 ii. requiring mail carriers or delivery trucks to leave at set times
17 regardless of whether the mail is actually ready;

18 iii. prohibiting or unreasonably restricting return trips to
19 distribution centers if necessary to complete timely mail delivery; and

20 iv. taking any actions to implement or enforce the operational
21 changes outlined in the USPS's "Mandatory Stand-Up Talk: All
22 Employees" dated July 10, 2020;

23 b. deviating from the USPS's long-standing policy of treating election
24 mail in accordance with First Class Mail delivery standards, regardless of the paid
25 class;

1 c. taking any actions in violation of the commitments made in the
2 “Postmaster General Louis DeJoy Statement,” dated August 18, 2020, such as
3 removal or decommissioning of any mail sorting machines, reducing hours at post
4 offices, or closing mail processing facilities; and

5 d. implementing or enforcing any “change in the nature of postal
6 services which will generally affect service on a nationwide or substantially
7 nationwide basis,” absent a duly issued advisory opinion of the Postal Regulatory
8 Commission, 39 U.S.C. § 3661(b).

9 IT IS FURTHER ORDERED that if any post office, distribution center, or
10 other postal facility will be unable to process election mail for the November 2020
11 election in accordance with First Class delivery standards because of the Postal
12 Service’s recent removal and decommissioning of equipment, such equipment will
13 be replaced, reassembled, or reconnected to ensure that the Postal Service can
14 comply with its prior policy of delivering election mail in accordance with First
15 Class delivery standards, and that if any post office or distribution center has
16 requested, or in the future requests, to reconnect or replace any decommissioned
17 or removed sorting machine(s), any such request must be presented to this Court
18 within three days of this Order or within three days of the date of the request,
19 whichever is later, unless the Postal Service has already approved the request. If
20 the Postal Service has denied the request or has not responded, the Court will
21 determine whether granting the request is likely necessary to ensure that election
22 mail is processed according to First Class delivery standards or otherwise to protect
23 the constitutional right to vote, and if the Court so finds it shall order that the
24 request be approved by USPS Defendants.

1 IT IS FURTHER ORDERED that the USPS Defendants shall notify their
2 officers, agents, representatives, servants, employees, attorneys, and all persons in
3 active concert or participation with them of the requirements herein.

4 IT IS FURTHER ORDERED that the Plaintiff States' motion to compel is
5 GRANTED. The USPS Defendants shall provide a complete response to
6 Interrogatory No. 1 within three days of the date of this order.

7 The Court deems no security bond is required under Federal Rule of Civil
8 Procedure 65(c).

9 This injunction shall remain in effect until a final judgment is entered or
10 until further order of the Court.

11 It is SO ORDERED.

12 ISSUED this _____ day of _____, 2020.

13
14 _____
15 THE HONORABLE STANLEY A. BASTIAN

16 Presented by:

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DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 9th day of September, 2020, at Tumwater, Washington.

/s/ Jennifer D. Williams

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